

PAUL K. CHARLTON  
 United States Attorney  
 District of Arizona  
 JAMES T. LACEY  
 State Bar No. 007778  
 Assistant U.S. Attorney  
 DAVID P. FLANNIGAN  
 State Bar No. 007162  
 Assistant U.S. Attorney  
 405 W. Congress, Suite 4800  
 Tucson, Arizona 85701-5040  
 Telephone: 520-620-7300  
 david.flannigan@usdoj.gov  
 james.lacey@usdoj.gov  
 Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
 DISTRICT OF ARIZONA

United States of America,	)	
	)	
Plaintiff,	)	CR 91-0446-TUC-FRZ (HCE)
	)	
v.	)	<b>GOVERNMENT'S MOTION</b>
	)	<b>FOR DETERMINATION OF</b>
Felipe de Jesus Corona-Verbera,	)	<b>POSSIBLE CONFLICT OF</b>
	)	<b>INTEREST</b>
Defendant.	)	

The United States of America, by and through its attorneys, Paul K. Charlton, United States Attorney for the District of Arizona, and James T. Lacey, Assistant U.S. Attorney, hereby requests this Court to determine if Alejandro Vasquez, a private investigator employed by defense counsel Andrea Matheson, should be permitted to continue working for the defense in the above-captioned matter for the reasons set forth in the following memorandum.

MEMORANDUM

On February 17, 2006 the undersigned government counsel became aware that Alejandro Vasquez was making inquiries as to the whereabouts of several government agents that had worked on the Douglas Tunnel investigation. After being advised of this inquiry a call was made to Arturo Bernal, a Special Agent with the Arizona Attorney

1 General's Office. Agent Bernal advised me that he was contacted earlier in the day by Mr.  
2 Vasquez and asked where specific law enforcement officials currently resided. After a brief  
3 discussion between Agent Bernal and Alejandro Vasquez regarding the name and locations  
4 of some government agents, Agent Bernal volunteered that he was assisting paralegal  
5 Sandi Solis of the U.S. Attorney's Office with the Douglas Tunnel case. Mr. Vasquez soon  
6 thereafter terminated the conversation.

7 I asked Agent Bernal whether he was aware that Alejandro Vasquez was retired from  
8 government service when he called Agent Bernal on February 17, 2006. Agent Bernal said  
9 he believed Mr. Vasquez was still employed as a federal government law enforcement  
10 officer (U.S. Department of Justice, Office of Inspector General). Agent Bernal said that  
11 when Mr. Vasquez called him he never said he was not in government service nor did he  
12 say he was employed by defense attorney Andrea Matheson when he sought information  
13 about the location of federal law enforcement officials.

14 Immediately after speaking with Arturo Bernal government counsel contacted the  
15 number Agent Bernal had for Mr. Vasquez. Interestingly, the prefix for Mr. Vasquez's  
16 telephone number is the same prefix used by U.S. Immigration and Customs Enforcement  
17 (229). After identifying myself and confronting Mr. Vasquez concerning his telephone call  
18 earlier in the day to Arturo Bernal, Mr. Vasquez claimed Agent Bernal knew that he,  
19 Vasquez, was not in law enforcement. As noted earlier, Agent Bernal says otherwise.

20 After learning the above information, government counsel called defense counsel.  
21 Ms. Matheson stated that she employed the services of Alejandro Vasquez in order to locate  
22 several law enforcement personnel and that she hired him the evening of February 16, 2006.  
23 When Ms. Matheson was advised that Vasquez was soliciting information from law  
24 enforcement without advising the person that he was no longer in law enforcement and was  
25 employed by the defense, she stated she would advise Mr. Vasquez to be sure to identify  
26 himself as working for her when he was conducting interviews.

1 After speaking with Ms. Matheson, Special Agent in Charge Grant Murray checked  
2 to determine if Mr. Vasquez had solicited any information from his employees in the  
3 Department of Homeland Security Office of Inspector General's Office. He advised me  
4 that one of his employees was contacted on February 15, 2006 by Mr. Vasquez and asked  
5 how to locate two former government officials. Mr. Vasquez was provided with the  
6 whereabouts of the persons. At no time during that conversation did Mr. Vasquez say that  
7 he was seeking that information for Ms. Matheson. It should be noted that Mr. Vasquez  
8 solicited that information one day prior to Ms. Matheson saying she hired Mr. Vasquez to  
9 work on the Douglas Tunnel case.

10 During the morning of February 17, 2006, government counsel James Lacey, David  
11 Flannigan and paralegal Sandi Solis met with defense counsel at the U.S. Attorney's office  
12 and received some proposed stipulations from Ms. Matheson. During that meeting,  
13 government counsel inquired of Ms. Matheson who she employed as her private  
14 investigator in our case. She told us that she used the firm of Randy Downer and gave us  
15 the names of the persons in the firm that she was using to assist her in preparing the  
16 Douglas Tunnel case for Trial. Ms. Matheson did not advise us that she had engaged  
17 Alejandro Vasquez.

18 The fact that Vasquez is married to an Assistant U.S. Attorney should not, by itself,  
19 cause Vasquez to be disqualified from working on the Douglas Tunnel case. However,  
20 when Vasquez either solicits information from law enforcement who believe Vasquez is  
21 still in law enforcement or when he solicits the information from persons who may know  
22 he retired on February 4, 2006 but Vasquez does not advise them that he is seeking the  
23 information for the defense, it raises serious ethical concerns and possible conflict of  
24 interest issues.

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1 For the reasons set forth herein, it is submitted that Alejandro Vasquez be prohibited  
2 from working on the Douglas Tunnel case.

3 Respectfully submitted this 21<sup>st</sup> day of February, 2006.

4 PAUL K. CHARLTON  
5 United States Attorney  
6 District of Arizona

7 *s/ James T. Lacey*

8 JAMES T. LACEY  
9 Assistant United States Attorney

10 Copy of the foregoing served  
11 electronically or by other means  
12 this 21<sup>st</sup> day of February, 2006 to:

13 Andrea Matheson, Esq.  
14 100 North Stone Avenue, Suite 702  
15 Tucson AZ 85701-0001  
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